



***United States–Spain Treaties in Force,
January 1, 2009***

**Aviation: Transport Services Agreement between the
Government of the United States of America and the
Government of Spain**

**Agreement relating to the Agreement of February 20, 1973 effected by exchanges of
notes**

Dated at Madrid February 20, March 31 and April 7, 1987

TIAS 11297



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STATUS:

AVIATION: Transport Services

Agreement Between the UNITED STATES OF AMERICA and SPAIN

Relating to the Agreement of February 20, 1973

Effectuated by Exchanges of Notes

Dated at Madrid February 20, March 31 and April 7, 1987

TEXT:

[FOREIGN LANGUAGE TEXT OMITTED] Sírvas V.E. recibir el testimonio de mi mas alta consideración.

Madrid, 20 de Febrero de 1.987

A SU EXCELENCIA EL SR. EMBAJADOR EXTRAORDINARIO Y
PLENIPOTENCIARIO DE LOS ESTADOS UNIDOS DE AMÉRICA.

TRANSLATION

Minister of Foreign Relations

Mr. Ambassador:

I have the honor to address Your Excellency concerning the conclusions in the Memorandum of Consultations signed by the chairmen of the delegations of Spain and the United States of America at the close of the meetings on civil aviation held December 2 and 3, 1985, and February 3 and 5, 1986.

In this regard, I am pleased to inform you that the Government of Spain agrees with the stipulations contained in said Memorandum, as detailed below:

Quote:

A. The Spanish aeronautical authorities shall authorize an airline designated by the United States but not currently serving Spain from New York to commence service, effective April 1, 1987, from New York to Madrid and beyond on U.S. Route 2 of the route schedule to the U.S.-Spain Air Transport Agreement, signed at Madrid on February 20, 1973 (hereinafter, "the Agreement"). (1) Schedules filed by this airline for its initial summer and winter seasons shall be deemed not to introduce a capacity increase inconsistent with article 9 of the Agreement.



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NOTES

(1) TIAS 7725; 24 UST 2102.

B. The Spanish aeronautical authorities shall authorize an airline designated by the Government of the United States to commence service, effective April 1, 1987, between Dallas/Fort Worth and Spain on U.S. Route 1 of the route schedule to the Agreement.

C. The United States aeronautical authorities shall authorize an airline or airlines designated by the Government of Spain to commence service, effective April 1, 1987, between Spain and two points in the United States in addition to those listed in the routes specified for Spain in the route schedule to the Agreement, such points to be selected by the Government of Spain. The two new points shall not be coterminalized with each other or any other points without a further agreement of the parties authorizing such coterminalization, except that these two new points may be coterminalized with each other only for the developmental period from November 1, 1987, through March 31, 1988, and from November 1, 1988, through March 31, 1989.

D. The governments of Spain and of the United States shall use their good offices to facilitate a reasonable resolution of the "doing business" problems arising from the treatment of U.S. airlines in Iberia's computer reservation system and the ground handling services provided by Iberia to U.S. airlines in Spain and, should they arise, parallel problems for Spanish airlines in the United States. It is contemplated by the two governments, and is a fundamental basis for this exchange of notes, that these "doing business" problems will have been reasonably resolved by the time the new services are authorized.

E. Delegations representing the two governments shall meet not later than September 30, 1987, unless otherwise agreed, for the purpose of discussing further expansion of services, including the subject of charters. It is understood that the Government of Spain intends at this meeting to raise the commencement of service to Dallas/Forth Worth by its designated airline or airlines. Both governments contemplate that, given the expected growth in the U.S.-Spain market, further expansion of services can be anticipated.

Unquote.

If the above-mentioned stipulations are also acceptable to the Government of the United States of America, I have the honor to propose that this Note, together with Your Excellency's reply thereto, shall constitute an Agreement binding on the two governments that would be considered an annex to the U.S.-Spain bilateral Air Transport Agreement of February 20, 1973. It shall apply provisionally on the date of the note of reply and



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enter into force when both Parties have reported that their respective constitutional requirements have been fulfilled. (1)

NOTES

(1) Apr. 7, 1987.

Accept, Excellency, the assurances of my highest consideration.

The American Embassy to the Spanish Ministry of Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

No. 249

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to refer to the Memorandum of Consultations signed following the last round of Civil Aviation negotiations in Washington, February 3-5, 1986. On behalf of the United States of America, the Embassy has the further honor to confirm the following:

A. The Spanish aeronautical authorities shall authorize an airline designated by the United States but not currently serving Spain from New York to commence service, effective April 1, 1987, from New York to Madrid and beyond on U.S. Route 2 of the route schedule to the U.S.-Spain Air Transport Agreement, signed at Madrid on February 20, 1973 (hereinafter, "the Agreement"). Schedules filed by this airline for its initial summer and winter seasons shall be deemed not to introduce a capacity increase inconsistent with article 9 of the Agreement.

B. The Spanish aeronautical authorities shall authorize an airline designated by the Government of the United States to commence service, effective April 1, 1987, between Dallas/Fort Worth and Spain on U.S. Route 1 of the route schedule to the Agreement.

C. The United States aeronautical authorities shall authorize an airline or airlines designated by the Government of Spain to commence service, effective April 1, 1987, between Spain and two points in the United States in addition to those listed in the routes specified for Spain in the route schedule to the Agreement, such points to be selected by the Government of Spain. The two new points shall not be coterminalized with each other or any other points without a further agreement of the parties authorizing such coterminalization, except that these two new points may be coterminalized with each other only for the developmental period from November 1, 1987 through March 31, 1988 and from November 1, 1988 through March 31, 1989.



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D. The governments of Spain and of the United States shall use their good offices to facilitate a reasonable resolution of the "doing business" problems arising from the treatment of U.S. airlines in Iberia's computer reservation system and the ground handling services provided by Iberia to U.S. airlines in Spain and, should they arise, parallel problems for Spanish airlines in the United States. It is contemplated by the two governments, and is a fundamental basis for this exchange of notes, that these "doing business" problems will have been reasonably resolved by the time the new services are authorized.

E. Delegations representing the two governments shall meet not later than September 30, 1987, unless otherwise agreed, for the purpose of discussing further expansion of services, including the subject of charters. It is understood that the Government of Spain intends at this meeting to raise the commencement of service to Dallas/Fort Worth by its designated airline or airlines. Both governments contemplate that, given the expected growth in the U.S.-Spain market, further expansion of services can be anticipated.

If the above is acceptable to the Government of Spain, the Embassy proposes that the terms of this note and the Ministry's confirmation thereof shall constitute an agreement between the two governments, which shall enter into force on the date of the Ministry's confirmation.

The Embassy of the United States of America avails itself of this occasion to renew to the Ministry the assurance of its highest consideration.

[FOREIGN LANGUAGE TEXT OMITTED]

TRANSLATION

Ministry of Foreign Affairs

No. 142/17

Note Verbale

The Ministry of Foreign Affairs presents its compliments to the United States Embassy and, with regard to the bilateral aviation negotiations, the current phase of which began in Madrid in December 1985, has the honor to inform it of the following:

(1) In view of the content of the Spanish note sent to the United States Embassy on February 20 and following receipt of Note Verbale No. 249 from that Embassy, dated March 31, 1987, it can be seen that both negotiating Parties have accepted the terms of



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the Memorandum agreed upon at the round of negotiations held at Washington in February 1986.

(2) Inasmuch as Section (e) of the above-mentioned Memorandum, agreed upon in 1986, provides for another negotiating meeting to be held before September 30, 1987, this Ministry requests that the Embassy inform the appropriate United States authorities that the Spanish authorities wish to hold the next round during the latter part of September 1987.

The site of the aforesaid September round would be Madrid, inasmuch as the last round, in February 1986, was held at Washington.

The exact dates for the September 1987 round in Madrid can be scheduled at the convenience of the United States negotiating delegation.

(3) In light of the fact that the aforementioned Section (e) of the Memorandum agreed upon in February 1986 mentions the subject of charter flights as a matter for discussion in the round that is now being proposed for the latter part of September, the Spanish authorities would like to obtain advance information from the appropriate United States authorities on the U.S. proposal on this topic, inasmuch as the comment on it in the text of the Memorandum was made at the proposal of the United States negotiating delegation.

The Spanish authorities, for their part, confirm the statements made by the Spanish negotiating delegation at Washington in February 1986, which are reflected in the next paragraph of Section (e) of the Memorandum; i.e. that at the proposed round to be held next September, the Spanish side will raise the question of commencement of service to Dallas/Fort Worth by its designated airline or airlines.

This Ministry is awaiting a response from the Embassy regarding agreement by the United States to hold negotiations at Madrid during the latter part of September 1987 and specifying the exact dates that would be suitable for the United States negotiating delegation to travel to the Spanish capital.

Furthermore, this Ministry is awaiting any information the Embassy is able to furnish with regard to the aforementioned subject of the American proposal on charter flights.

The Ministry of Foreign Affairs avails itself of the opportunity to renew to the United States Embassy the assurances of its highest consideration.

SIGNATORIES:

Madrid, February 20, 1987



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[Initialed]

[Ministry stamp]

His Excellency

Ambassador Extraordinary and Plenipotentiary of the United States of America.

Madrid, March 31, 1987

Madrid, April 7, 1987

[Initialed]

[Ministry stamp]

Embassy of the United States.